

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

ROBERT J. LABONTE,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 18-1784C

(Chief Judge Sweeney)

**JOINT STATUS REPORT**

Pursuant to the order of February 6, 2019, plaintiff Robert J. LaBonte, and defendant, the United States, respectfully submit the following Joint Status Report.

On December 21, 2018, appropriations to the Department of Justice (Department) lapsed. As a result, on January 17, 2019, the Government filed a motion requesting a “stay of all current deadlines, including the January 22, 2019 deadline for the Government to respond to the complaint{.}” ECF No. 8. On January 18, 2019, the Court granted our motion pending the appropriation of funds and directed the parties to file a joint status report within 10 days of that appropriation of funds, which occurred on January 25, 2019. *See* ECF No. 9. Subsequently, the Court granted the Government’s motion to extend the deadline to submit the joint status report until February 19, 2019. ECF No. 11.

Following their discussions, the parties respectfully request that the Court set a deadline of April 5, 2019 for the Government to respond to the complaint. The Government states that this proposed deadline is to provide the Army sufficient time to gather the relevant records and prepare the litigation report for the Department of Justice that is required by 28 U.S.C. § 520.

In the meantime, the parties will continue to explore how this matter should proceed. In this regard, they have discussed whether it may be appropriate to seek a stay of this action for the

Army and/or the Army Board for Correction of Military Records to conduct further proceedings, although the parties have not yet decided on whether such course of action would be appropriate. The parties expect to further confer regarding a potential stay by the end of next week and, if necessary, to discuss other options as to how this case should proceed in the weeks that follow. The parties will promptly notify the Court upon agreeing to a proposed schedule of further proceedings.

Dated: February 19, 2019

Respectfully Submitted,

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